IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9380 OF 2003

Shankar @ Raghunath Rama Patil..... Petitioner.

Versus

Shivaji Nathji Patil and Others..... Respondents.

Mr. H. S. Venegavkar for the Petitioner.

None for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : JANUARY 20, 2005.

P.C.:

The present petition is by the plaintiff and arises out of an order of the appellate court refusing injunction.

2. The petitioner had applied for a temporary injunction restraining the defendants from alienating the suit property and creating third party interest and causing obstruction to the plaintiff from taking water from the suit well and lifting more water from the suit property and supplying to other farmers.

3. The trial court granted injunction and restrained

respondents from obstructing the plaintiff from lifting water from a well situated in field Gat No.135. The appellate court reversed that finding and the injunction in view of the position admitted by the petitioner himself that the suit is in respect of the property which belongs to the natural family of the plaintiff and not the family into which he is given in adoption i.e. family of the respondents. The appellate court has observed that if as a result of adoption the plaintiff has no right or interest in his natural family i.e. the family in which he was born then the trial court was not right in granting an injunction restraining defendants in respect of a well situated in their property i.e. plaintiff's natural family.

4. Mr. Venegavkar, learned Counsel for the petitioner, submitted that the plaintiff ought to have been granted an injunction in view of the fact that the field Gat No.135 stands in the name of the plaintiff in the revenue record. It is well settled that revenue records are not determinative of title.

5. In the circumstances, I see no merit in the writ petition, which is hereby dismissed.

Sd/-

S. A. BOBDE, J.